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Approved:	Cynthia Walcott, Deputy Commissioner	Effective: 8/5/2013
Supersedes:		Dated: 7/29/2013

Purpose

To ensure that the Division is in compliance with the CAPTA Reauthorization Act of 2010, this policy provides guidance to staff about how public disclosure related to child fatalities and near fatalities caused by child abuse and/or neglect will be addressed as required by Section 106(b)(2)(B)(x) of the law.

Definitions

Near Fatality is a condition caused by “an act that, as certified by a physician, places the child in serious or critical condition”.¹

Policy


When a report of child fatality or near fatality is screened and accepted for investigation, the screening supervisor will notify the Child Protection and Field Operations Director.

The Child Protection and Field Operations Director will track these reports and the final determination of whether or not the fatality or near fatality was caused by child abuse or neglect.

If the determination is that the child fatality or near fatality was caused by child abuse or neglect, the Child Protection and Field Operations Director will complete a Disclosure of Minimum Information, which will be available upon request, to include:

- The cause and circumstances regarding the child fatality or near fatality
- The age and gender of the child
- Information describing any previous reports of child abuse or neglect that are pertinent to the abuse or neglect that led to the child fatality or near fatality
- Information describing any previous investigations pertinent to the abuse or neglect that led to the child fatality or near fatality

¹ Child Abuse Prevention and Treatment Act (CAPTA), as amended (42 U.S.C. 5101 et seq.) – 106 (b)(4)(A); ACYF-NCCAN-PIQ-97-01 (3/4/97); updated 9/27/11

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- The result of any such investigations
- The services provided by the State and the actions of the State on behalf of the child that are pertinent to the child abuse or neglect that led to the child fatality or near fatality

States may allow exceptions to the Disclosure of Minimum Information in order to ensure the safety and well-being of the child, parents and family or when releasing the information would jeopardize a criminal investigation, interfere with the protection of those who report child abuse or neglect or harm the child or the child's family.

The Child Protection and Field Operations Director, or Designee, will contact the State's Attorney or Attorney General responsible for the criminal investigation to determine if the release of information would jeopardize the criminal case.

A final determination will be made by the Commissioner that release of information would not:

- Negatively impact the safety and well-being of the child, parents and family
- Jeopardize a criminal investigation
- Interfere with the protection of those who report child abuse or neglect or
- Harm the child or the child's family

If none of these factors is identified, the Disclosure of Minimum Information will be released upon request.